

AMENDMENT TO RULES COMMITTEE PRINT FOR H.R. 3193

OFFERED BY MS. CASTOR OF FLORIDA

At the end of the bill, add the following new section:

1 **SEC. 6 . FLOOD INSURANCE AFFORDABILITY.**

2 (a) **SHORT TITLE.**—This section may be cited as the “Homeowner Flood
3 Insurance Affordability Act of 2014”.

4 (b) **DEFINITIONS.**—As used in this section, the following definitions shall
5 apply:

6 (1) **ADJUSTED BASE FLOOD ELEVATION.**—For purposes of rating
7 a floodproofed covered structure, the term “adjusted base flood
8 elevation” means the base flood elevation for a covered structure on the
9 applicable effective flood insurance rate map, plus 1 foot.

10 (2) **ADMINISTRATOR.**—The term “Administrator” means the
11 Administrator of the Federal Emergency Management Agency.

12 (3) **AFFORDABILITY AUTHORITY BILL.**—The term “affordability
13 authority bill” means a non-amendable bill that if enacted would only
14 grant the Administrator the authority necessary to promulgate
15 regulations in accordance with the criteria set forth in subsection
16 (c)(4)(B).

17 (4) **AFFORDABILITY STUDY.**—The term “affordability study”
18 means the study required under section 100236 of the Biggert-Waters
19 Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat.
20 957).

21 (5) **APPLICABLE FLOOD PLAIN MANAGEMENT MEASURES.**—The
22 term “applicable flood plain management measures” means flood plain
23 management measures adopted by a community under section 60.3(c)
24 of title 44, Code of Federal Regulations.

25 (6) **COVERED STRUCTURE.**—The term “covered structure” means
26 a residential structure—

1 (A) that is located in a community that has adopted flood plain
2 management measures that are approved by the Federal Emergency
3 Management Agency and that satisfy the requirements for an
4 exception for floodproofed residential basements under section
5 60.6(c) of title 44, Code of Federal Regulations; and

6 (B) that was built in compliance with the applicable flood plain
7 management measures.

8 (7) DRAFT AFFORDABILITY FRAMEWORK.—The term “draft
9 affordability framework” means the draft programmatic and regulatory
10 framework required to be prepared by the Administrator and submitted
11 to Congress under subsection (c)(4) addressing the issues of
12 affordability of flood insurance sold under the National Flood Insurance
13 Program, including issues identified in the affordability study.

14 (8) FLOODPROOFED ELEVATION.—The term “floodproofed
15 elevation” means the height of floodproofing on a covered structure, as
16 identified on the Residential Basement Floodproofing Certificate for
17 the covered structure.

18 (9) NATIONAL FLOOD INSURANCE PROGRAM.—The term
19 “National Flood Insurance Program” means the program established
20 under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et
21 seq.).

22 (c) DELAYED IMPLEMENTATION OF FLOOD INSURANCE RATE INCREASES;
23 DRAFT AFFORDABILITY FRAMEWORK.—

24 (1) DELAYED IMPLEMENTATION OF FLOOD INSURANCE RATE
25 INCREASES.—

26 (A) GRANDFATHERED PROPERTIES.—Beginning on the date
27 of enactment of this Act, the Administrator may not increase risk
28 premium rates for flood insurance for any property located in an
29 area subject to the premium adjustment required under section
30 1308(h) of the National Flood Insurance Act of 1968 (42 U.S.C.
31 4015(h)).

1 (B) PRE-FIRM PROPERTIES.—Beginning on the date of
2 enactment of this Act, the Administrator may not reduce the risk
3 premium rate subsidies for flood insurance for any property—

4 (i) described under section 1307(g)(1) of the National
5 Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(1)); or

6 (ii) described under 1307(g)(3) of the National Flood
7 Insurance Act of 1968 (42 U.S.C. 4014(g)(3)), provided that
8 the decision of the policy holder to permit a lapse in flood
9 insurance coverage was as a result of the property no longer
10 being required to retain such coverage.

11 (C) EXPIRATION.—The prohibitions set forth under
12 subparagraphs (A) and (B) shall expire 6 months after the later
13 of—

14 (i) the date on which the Administrator proposes the draft
15 affordability framework;

16 (ii) the date on which any regulations proposed pursuant to
17 the authority that the Administrator is granted in the
18 affordability authority bill, if such bill is enacted, become final;
19 or

20 (iii) the date on which the Administrator certifies in
21 writing to Congress that the Federal Emergency Management
22 Agency has implemented a flood mapping approach that
23 utilizes sound scientific and engineering methodologies to
24 determine varying levels of flood risk in all areas participating
25 in the National Flood Insurance Program.

26 (2) PROPERTY SALE TRIGGER.—Section 1307(g)(2) of the
27 National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(2)) is
28 amended to read as follows:

29 “(2) any property purchased after the expiration of the 6-month
30 period set forth under subsection (c)(1)(C) of the Homeowner Flood
31 Insurance Affordability Act of 2014;”.

1 (3) TREATMENT OF PRE-FIRM PROPERTIES.—Beginning on the
2 date of enactment of this Act and ending upon the expiration of the 6-
3 month period set forth under paragraph (1)(C), the Administrator shall
4 restore the risk premium rate subsidies for flood insurance estimated
5 under section 1307(a)(2) of the National Flood Insurance Act of 1968
6 (42 U.S.C. 4014(a)(2)) for any property described in clauses (i) and (ii)
7 of paragraph (1)(B) of this subsection and in section 1307(g)(2) of the
8 National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(2)).

9 (4) DRAFT AFFORDABILITY FRAMEWORK.—

10 (A) IN GENERAL.—The Administrator shall prepare a draft
11 affordability framework that proposes to address, via programmatic
12 and regulatory changes, the issues of affordability of flood
13 insurance sold under the National Flood Insurance Program,
14 including issues identified in the affordability study.

15 (B) CRITERIA.—In carrying out the requirements under
16 subparagraph (A), the Administrator shall consider the following
17 criteria:

18 (i) Accurate communication to consumers of the flood risk
19 associated with their property.

20 (ii) Targeted assistance to flood insurance policy holders
21 based on their financial ability to continue to participate in the
22 National Flood Insurance Program.

23 (iii) Individual or community actions to mitigate the risk of
24 flood or lower the cost of flood insurance.

25 (iv) The impact of increases in risk premium rates on
26 participation in the National Flood Insurance Program.

27 (v) The impact flood insurance rate map updates have on
28 the affordability of flood insurance.

29 (C) DEADLINE FOR SUBMISSION.—Not later than 18 months
30 after the date on which the Administrator submits the affordability
31 study, the Administrator shall submit to the full Committee on

1 Banking, Housing, and Urban Affairs and the full Committee on
2 Appropriations of the Senate and the full Committee on Financial
3 Services and the full Committee on Appropriations of the House of
4 Representatives the draft affordability framework.

5 (5) CONGRESSIONAL CONSIDERATION OF FEMA AFFORDABILITY
6 AUTHORITIES.—

7 (A) NO REFERRAL.—Upon introduction in either House of
8 Congress, an affordability authority bill shall not be referred to a
9 committee and shall immediately be placed on the calendar.

10 (B) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

11 (i) PROCEEDING TO CONSIDERATION.—It shall be in
12 order to move to proceed to consider the affordability authority
13 bill in the House. All points of order against the motion are
14 waived. Such a motion shall not be in order after the House has
15 disposed of a motion to proceed with respect to the
16 affordability authority bill. The previous question shall be
17 considered as ordered on the motion to its adoption without
18 intervening motion. The motion shall not be debatable. A
19 motion to reconsider the vote by which the motion is disposed
20 of shall not be in order.

21 (ii) CONSIDERATION.—The affordability authority bill
22 shall be considered as read. All points of order against the
23 affordability authority bill and against its consideration are
24 waived. The previous question shall be considered as ordered
25 on the affordability authority bill to its passage without
26 intervening motion except 10 hours of debate equally divided
27 and controlled by the proponent and an opponent. A motion to
28 reconsider the vote on passage of the affordability authority
29 bill shall not be in order.

30 (C) CONSIDERATION IN THE SENATE.—

31 (i) PLACEMENT ON THE CALENDAR.—Upon introduction
32 in the Senate, an affordability authority bill shall be
33 immediately placed on the calendar.

1 (ii) FLOOR CONSIDERATION.—Notwithstanding Rule
2 XXII of the Standing Rules of the Senate, it is in order, at any
3 time beginning on the day after the 6th day after the date of
4 introduction of an affordability authority bill (even if a
5 previous motion to the same effect has been disagreed to) to
6 move to proceed to the consideration of the affordability
7 authority bill and all points of order against consideration of
8 the affordability authority bill are waived. The motion to
9 proceed is not debatable. The motion is not subject to a motion
10 to postpone. A motion to reconsider the vote by which the
11 motion is agreed to or disagreed to shall not be in order. If a
12 motion to proceed to the consideration of the affordability
13 authority bill is agreed to, the affordability authority bill shall
14 remain the unfinished business until disposed of.

15 (iii) CONSIDERATION.—All points of order against the
16 affordability authority bill are waived. Consideration of the
17 affordability authority bill and of all debatable motions and
18 appeals in connection therewith shall be limited to not more
19 than 10 hours which shall be divided equally between the
20 majority and minority leaders or their designees. A motion
21 further to limit debate on the affordability authority bill is in
22 order, and is not debatable.

23 (iv) NO AMENDMENTS.—An amendment to the
24 affordability authority bill, or a motion to postpone, or a
25 motion to proceed to the consideration of other business, or a
26 motion to commit or recommit the affordability authority bill,
27 is not in order.

28 (v) VOTE ON PASSAGE.—If the Senate has voted to
29 proceed to the affordability authority bill, the vote on passage
30 of the affordability authority bill shall occur immediately
31 following the conclusion of consideration of the affordability
32 authority bill, and a single quorum call at the conclusion of the
33 debate if requested in accordance with the rules of the Senate.

34 (D) AMENDMENT.—The affordability authority bill shall not
35 be subject to amendment in either the House of Representatives or
36 the Senate.

1 (E) CONSIDERATION BY THE OTHER HOUSE.—

2 (i) IN GENERAL.—If, before passing the affordability
3 authority bill, one House receives from the other an
4 affordability authority bill—

5 (I) the affordability authority bill of the other House
6 shall not be referred to a committee; and

7 (II) the procedure in the receiving House shall be the
8 same as if no affordability authority bill had been received
9 from the other House except that the vote on passage shall
10 be on the affordability authority bill of the other House.

11 (ii) REVENUE MEASURE.—This paragraph shall not apply
12 to the House of Representatives if the affordability authority
13 bill received from the Senate is a revenue measure.

14 (F) COORDINATION WITH ACTION BY OTHER HOUSE.—

15 (i) TREATMENT OF AFFORDABILITY AUTHORITY BILL OF
16 OTHER HOUSE.—If the Senate fails to introduce or consider a
17 affordability authority bill under this section, the affordability
18 authority bill of the House shall be entitled to expedited floor
19 procedures under this subsection.

20 (ii) TREATMENT OF COMPANION MEASURES IN THE
21 SENATE.—If following passage of the affordability authority
22 bill in the Senate, the Senate then receives the affordability
23 authority bill from the House of Representatives, the House-
24 passed affordability authority bill shall not be debatable.

25 (iii) VETOES.—If the President vetoes the affordability
26 authority bill, debate on a veto message in the Senate under
27 this subsection shall be 1 hour equally divided between the
28 majority and minority leaders or their designees.

29 (G) RULES OF THE HOUSE OF REPRESENTATIVES AND
30 SENATE.—This paragraph is enacted by Congress—

1 (i) as an exercise of the rulemaking power of the Senate
2 and the House of Representatives, respectively, and as such it
3 is deemed a part of the rules of each House, respectively, but
4 applicable only with respect to the procedure to be followed in
5 that House in the case of an affordability authority bill, and it
6 supersedes other rules only to the extent that it is inconsistent
7 with such rules; and

8 (ii) with full recognition of the constitutional right of either
9 House to change its rules at any time, in the same manner, and
10 to the same extent as in the case of any other rule of that
11 House.

12 (6) INTERAGENCY AGREEMENTS.—The Administrator may enter
13 into an agreement with another Federal agency to—

14 (A) complete the affordability study; or

15 (B) prepare the draft affordability framework.

16 (7) CLEAR COMMUNICATIONS.—The Administrator shall clearly
17 communicate full flood risk determinations to individual property
18 owners regardless of whether their premium rates are full actuarial
19 rates.

20 (8) RULE OF CONSTRUCTION.—Nothing in this subsection shall be
21 construed to provide the Administrator with the authority to provide
22 assistance to homeowners based on affordability that was not available
23 prior to the enactment of the Biggert-Waters Flood Insurance Reform
24 Act of 2012 (Public Law 112–141; 126 Stat. 916).

25 (d) AFFORDABILITY STUDY AND REPORT.—Notwithstanding the deadline
26 under section 100236(c) of the Biggert-Waters Flood Insurance Reform Act of
27 2012 (Public Law 112–141; 126 Stat. 957), not later than 2 years after the date of
28 enactment of this Act, the Administrator shall submit to the full Committee on
29 Banking, Housing, and Urban Affairs and the full Committee on Appropriations of
30 the Senate and the full Committee on Financial Services and the full Committee on
31 Appropriations of the House of Representatives the affordability study and report
32 required under such section.

1 (e) AFFORDABILITY STUDY FUNDING.—Section 100236(d) of the Biggert-
2 Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957)
3 is amended by striking “not more than \$750,000” and inserting “such amounts as
4 may be necessary”.

5 (f) FUNDS TO REIMBURSE HOMEOWNERS FOR SUCCESSFUL MAP
6 APPEALS.—

7 (1) IN GENERAL.—Section 1363(f) of the National Flood Insurance
8 Act of 1968 (42 U.S.C. 4104(f)) is amended by striking the second
9 sentence and inserting the following: “The Administrator may use such
10 amounts from the National Flood Insurance Fund established under
11 section 1310 as may be necessary to carry out this subsection.”.

12 (2) CONFORMING AMENDMENT.—Section 1310(a) of the National
13 Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

14 (A) in paragraph (6), by striking “and” at the end;

15 (B) in paragraph (7), by striking the period at the end and
16 inserting “; and”; and

17 (C) by adding at the end the following:

18 “(8) for carrying out section 1363(f).”.

19 (g) FLOOD PROTECTION SYSTEMS.—

20 (1) ADEQUATE PROGRESS ON CONSTRUCTION OF FLOOD
21 PROTECTION SYSTEMS.—Section 1307(e) of the National Flood
22 Insurance Act of 1968 (42 U.S.C. 4014(e)) is amended—

23 (A) in the first sentence, by inserting “or reconstruction” after
24 “construction”;

25 (B) by amending the second sentence to read as follows: “The
26 Administrator shall find that adequate progress on the construction
27 or reconstruction of a flood protection system, based on the present
28 value of the completed flood protection system, has been made
29 only if (1) 100 percent of the cost of the system has been
30 authorized, (2) at least 60 percent of the cost of the system has been

1 appropriated, (3) at least 50 percent of the cost of the system has
2 been expended, and (4) the system is at least 50 percent
3 completed.”; and

4 (C) by adding at the end the following: “Notwithstanding any
5 other provision of law, in determining whether a community has
6 made adequate progress on the construction, reconstruction, or
7 improvement of a flood protection system, the Administrator shall
8 consider all sources of funding, including Federal, State, and local
9 funds.”.

10 (2) COMMUNITIES RESTORING DISACCREDITED FLOOD
11 PROTECTION SYSTEMS.—Section 1307(f) of the National Flood
12 Insurance Act of 1968 (42 U.S.C. 4014(f)) is amended by amending the
13 first sentence to read as follows: “Notwithstanding any other provision
14 of law, this subsection shall apply to riverine and coastal levees that are
15 located in a community which has been determined by the
16 Administrator of the Federal Emergency Management Agency to be in
17 the process of restoring flood protection afforded by a flood protection
18 system that had been previously accredited on a Flood Insurance Rate
19 Map as providing 100-year frequency flood protection but no longer
20 does so, and shall apply without regard to the level of Federal funding
21 of or participation in the construction, reconstruction, or improvement
22 of the flood protection system.”.

23 (h) TREATMENT OF FLOODPROOFED RESIDENTIAL BASEMENTS.—
24 Notwithstanding the Biggert-Waters Flood Insurance Reform Act of 2012 (Public
25 Law 112–141; 126 Stat. 916), the amendments made by that Act, or any other
26 provision of law, the Administrator shall rate a covered structure using the
27 elevation difference between the floodproofed elevation of the covered structure
28 and the adjusted base flood elevation of the covered structure.

29 (i) DESIGNATION OF FLOOD INSURANCE ADVOCATE.—

30 (1) IN GENERAL.—The Administrator shall designate a Flood
31 Insurance Advocate to advocate for the fair treatment of policy holders
32 under the National Flood Insurance Program and property owners in the
33 mapping of flood hazards, the identification of risks from flood, and the
34 implementation of measures to minimize the risk of flood.

1 (2) DUTIES AND RESPONSIBILITIES.—The duties and
2 responsibilities of the Flood Insurance Advocate designated under
3 paragraph (1) shall be to—

4 (A) educate property owners and policyholders under the
5 National Flood Insurance Program on—

6 (i) individual flood risks;

7 (ii) flood mitigation;

8 (iii) measures to reduce flood insurance rates through
9 effective mitigation; and

10 (iv) the flood insurance rate map review and amendment
11 process;

12 (B) assist policy holders under the National Flood Insurance
13 Program and property owners to understand the procedural
14 requirements related to appealing preliminary flood insurance rate
15 maps and implementing measures to mitigate evolving flood risks;

16 (C) assist in the development of regional capacity to respond to
17 individual constituent concerns about flood insurance rate map
18 amendments and revisions;

19 (D) coordinate outreach and education with local officials and
20 community leaders in areas impacted by proposed flood insurance
21 rate map amendments and revisions; and

22 (E) aid potential policy holders under the National Flood
23 Insurance Program in obtaining and verifying accurate and reliable
24 flood insurance rate information when purchasing or renewing a
25 flood insurance policy.

26 (3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized
27 to be appropriated for each fiscal year such sums as may be necessary
28 to carry out the duties and responsibilities of the Flood Insurance
29 Advocate.